



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### **List of issues prior to the submission of the third periodic report of San Marino (CCPR/C/SMR/3) adopted by the Human Rights Committee at its 105th session, 9-27 July 2012\***

##### **General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please provide detailed information on the relevant new developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant case-law decisions. Please also describe the measures taken to make the Covenant known to judges, lawyers and prosecutors.
2. Please provide detailed information on any significant political or administrative measures taken since the previous report to promote and protect human rights, and the resources allocated thereto, their means, objectives and results.
3. Please provide any other information on new measures taken to disseminate and implement the Committee's recommendations from its previous concluding observations of 2008 (CCPR/C/SMR/CO/2), including any necessary statistical data.

##### **Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations**

###### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

4. With reference to the Committee's previous concluding observations (para. 5), please clarify the exact status of the Covenant and the Optional Protocol in domestic law,

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\* The present list of issues was adopted by the Committee at its 105th session, according to the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from the State party to these lists of issues will constitute their periodic reports under article 40 of the Covenant.

and specifically in the case of a conflict between a domestic law and the Covenant, as well as the possibility of the Covenant being invoked by individuals before the courts or applied by domestic courts and tribunals. Please provide examples, if any, of cases in which the provisions of the Covenant have been applied or interpreted.

**Equal rights of men and women and prohibition of discrimination (arts. 2, 3 and 26)**

5. According to information from other sources, Act No. 97 of 20 June 2008 instituted the Equal Opportunities Authority; please provide information on the results of the Authority's work to improve women's representation in politics.

6. Further to the Committee's previous concluding observations (para. 9), please provide information on the measures taken to allow children who have only one naturalized parent to acquire San Marino citizenship immediately, rather than at the age of 18, in line with the case of children both of whose parents are naturalized.

**Violence against women (arts. 3 and 7)**

7. Bearing in mind the Committee's previous concluding observations (para. 8), please provide detailed updated information on any programmes established and awareness-raising measures adopted to promote the implementation of Act No. 97 of 20 June 2008 on the Prevention and Repression of Violence against Women and Gender Violence, to tackle violence against women. Please provide information on the impact of any such programmes in terms of reducing violence against women, and on the evaluation measures adopted. Please also provide information on: (a) the current prevalence of violence against women; (b) cases identified; (c) prosecutions of perpetrators; and (d) convictions and sentences. Please indicate the measures taken by the State party to prevent gender-based and domestic violence, including to protect girls and women with disabilities, and to help girls and women gain access to assistance.

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 7, 2, 10 and 26)**

8. Please provide information on measures taken by the State party to ensure that health-care services provided to persons with disabilities are based on their free and informed consent.

**Expulsion of aliens (art. 13)**

9. Please explain whether the State party has established a procedure for granting refugee status.

**Right to liberty and security of the person and right to a fair trial and equality before the law (arts. 9 and 14)**

10. Further to its previous concluding observations (para. 11), the Committee is concerned that the State party has still not adopted a new Code of Criminal Procedure, despite Act No. 93 of 17 June 2008 on the guarantee of a fair trial. Please provide information on the state of progress, drafting and adoption of a new comprehensive Code of Criminal Procedure in compliance with the Covenant, including guarantees of a fair trial, as mentioned in Act No. 93 of 17 June 2008.

11. With reference to the Committee's previous concluding observations (para. 12), please indicate any measures taken by the State party to organize legal aid and ensure its provision to all those who need it and where the interests of justice so require. Please also specify whether the special commission that deals with requests for legal aid has ever refused a request. If yes, please give the grounds for such refusal.

**Right to privacy (art. 17)**

12. With reference to the Committee's concluding observations (para. 13), please provide information on the measures taken to ensure that Act No. 28 of 26 February 2004, in its application, preserves the right to privacy as guaranteed in article 17 of the Covenant. Please also indicate any measures taken to clarify the counter-terrorism legislative measures adopted by the State party and to ensure that, in their application, they do not contravene the Covenant.

**Freedom of expression and opinion (art. 19)**

13. In its previous concluding observations (para. 14), the Committee expressed concern about the potentially far-reaching scope of application of articles 183, 184 and 185 of the Criminal Code concerning penalties for offences against honour, and the compatibility of such provisions with the Covenant. Please indicate the measures taken to ensure that the application of articles 183, 184 and 185 of the Criminal Code does not violate the provisions of article 19 of the Covenant.

**Children's rights (arts. 24, 9, 10 and 14)**

14. With reference to the Committee's previous concluding observations (para. 15), please indicate whether the State party has adopted the Comprehensive Regulations of the Military Corps, which would raise the minimum age of military service to 18, and the measures taken to modify article 3 of Act No. 15 of 26 January 1990 on the exceptional circumstances in which all citizens aged between 16 and 60 may be conscripted.

15. Further to the information from other sources, please provide information on measures that the State party has taken or plans to take to clearly prohibit corporal punishment in any place in its legislation.

16. Further to the information from other sources, please indicate the measures taken to introduce a juvenile criminal justice system. Please provide information on criminal court practice and detention conditions for juveniles.

**Participation in public life (art. 25)**

17. Please provide information on measures taken to amend the electoral code, which excludes persons with "mental infirmity" from voting.

**Equality before the law (art. 26)**

18. With reference to the Committee's previous concluding observations (para. 17), please indicate the measures taken to reconsider the extraordinary length of and practical difficulties involved in the process of acquiring citizenship for long-term residents.

19. Further to the Committee's concluding observations (para. 10), please provide information on the measures taken to abolish de jure the rule whereby a foreigner is required to present a guarantor as a condition enabling him or her to start a civil action before the courts.

**Rights of persons belonging to minorities (art. 27)**

20. Bearing in mind the Committee's previous concluding observations (para. 16), please provide information on the measures taken to determine whether minorities exist in the State party. If there are minorities, please indicate the measures taken to protect their rights and provide data broken down by number, origin and sex.